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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 POW NEVADA, LLC,

8 Plaintiff,

9 v.

10 ANNETTE CONNERY,

11 Defendant.

CASE NO. C17-1649 RSM

ORDER GRANTING IN PART  
PLAINTIFF’S MOTION FOR DEFAULT  
JUDGMENT AGAINST ANNETTE  
CONNERY (DOE 1)

12  
13 **I. INTRODUCTION**

14 This matter comes before the Court on Plaintiff’s Motion for Default Judgment against  
15 Annette Connery (Doe 1). Dkt. #36. Having reviewed the relevant briefing and the remainder  
16 of the record, Plaintiff’s Motion is granted in part for the reasons discussed below.

17 **II. BACKGROUND**

18 Plaintiff alleges that Defendant utilized a BitTorrent file sharing protocol to illegally  
19 copy and download Plaintiff’s copyrighted motion picture, *Revolt*. Dkt. #1 at ¶¶ 1, 5. Plaintiff  
20 initiated suit against 12 “Doe” defendants, identified by Internet Protocol (“IP”) addresses that,  
21 at a particular time, accessed a unique identifier associated with a digital copy of *Revolt*. *Id.* #1  
22 at ¶¶ 10–17. On November 27, 2017, the Court issued an Order to Show Cause why the Court  
23 should not “sever all defendants except the first defendant in this case” and “dismiss the  
24 remaining defendants.” Dkt. #8. The Court subsequently severed Plaintiff’s claims against all  
25 but the first named Doe defendant. Dkt. #15.  
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1 In response to serious concerns related to BitTorrent litigation within the District, the  
2 Court issued another Order to Show Cause on February 2, 2018. Dkt. #19; *see also Venice PI,*  
3 *LLC, v. O’Leary*, C17-988TSZ, Dkts. #27 and #32 (W.D. Wash. 2017). Following resolution of  
4 that Order to Show Cause, Plaintiff was permitted to seek expedited discovery from an internet  
5 service provider (“ISP”) to obtain subscriber information for the relevant IP address. Dkt. #26.  
6 Plaintiff filed an Amended Complaint against Defendant. Dkt. #29. Defendant never  
7 participated in this action and default was entered. Dkt. #35. Plaintiff now seeks default  
8 judgment. Dkt. #36.

### 10 III. DISCUSSION

11 Based on this Court’s Order of Default and pursuant to Rule 55(a), the Court has the  
12 authority to enter a default judgment. Fed. R. Civ. P. 55(b). However, prior to entering default  
13 judgment, the Court must determine whether the well-pleaded allegations of a plaintiff’s  
14 complaint establish a defendant’s liability. *Eitel v. McCool*, 782 F.2d 1470, 1471–72 (9th Cir.  
15 1986). In making this determination, courts must accept the well-pleaded allegations of a  
16 complaint, except those related to damage amounts, as established fact. *Televideo Sys., Inc. v.*  
17 *Heidenthal*, 826 F.2d 915, 917–18 (9th Cir. 1987). If those facts establish liability the court may,  
18 but has no obligation to, enter a default judgment against a defendant. *Alan Neuman Prods. Inc.*  
19 *v. Albright*, 862 F.2d 1388, 1392 (9th Cir. 1988) (“Clearly, the decision to enter a default  
20 judgment is discretionary.”). Plaintiffs must provide the court with evidence to establish the  
21 propriety of a particular sum of damages sought. *Televideo*, 826 F.2d at 917–18.

#### 24 A. Liability Determination.

25 The allegations in Plaintiff’s Amended Complaint establish Defendant’s liability for  
26 copyright infringement. To establish copyright infringement, Plaintiff must demonstrate

1 ownership of a valid copyright and that Defendant copied “constituent elements of the work that  
2 are original.” *L.A. Printex Indus., Inc. v. Aeropostale, Inc.*, 676 F.3d 841, 846 (9th Cir. 2012)  
3 (quoting *Feist Publ’ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 361 (1991)). Here, Plaintiff  
4 alleges it owns the exclusive copyright to the motion picture *Revolt*. Dkt. #29 at ¶¶ 5–8. Plaintiff  
5 also alleges that Defendant participated in a “swarm” that unlawfully copied and/or distributed  
6 the same digital copy of *Revolt*. *Id.* at ¶¶ 9, 18–23, 27. Because Defendant did not respond to  
7 Plaintiff’s Amended Complaint, the Court must accept the allegations in Plaintiff’s Amended  
8 Complaint as true. *See* Fed. R. Civ. P. 8(b)(6). Accordingly, Plaintiff has established  
9 Defendant’s liability.

11 B. Default Judgment is Warranted.

12 The Court must next determine whether to exercise its discretion to enter a default  
13 judgment. Courts consider the following factors in making this determination:

14 (1) the possibility of prejudice to the plaintiff, (2) the merits of plaintiff’s  
15 substantive claim, (3) the sufficiency of the complaint, (4) the sum of money at  
16 stake in the action; (5) the possibility of a dispute concerning material facts; (6)  
17 whether the default was due to excusable neglect, and (7) the strong policy  
underlying the Federal Rules of Civil Procedure favoring decisions on the merits.

18 *Eitel*, 782 F.2d at 1471-72.

19 The majority of these factors weigh in favor of granting default judgment against  
20 Defendant. Plaintiff may be prejudiced without the entry of default judgment as it will be left  
21 without a legal remedy. *See Landstar Ranger, Inc. v. Parth Enters, Inc.*, 725 F. Supp. 2d 916,  
22 920 (C.D. Cal. 2010) (finding plaintiff would suffer prejudice where denying default judgment  
23 would leave plaintiff without remedy). Plaintiff’s Amended Complaint is also sufficient and  
24 Defendant did not present any evidence or argument to the contrary. Additionally, the Court  
25 finds there is a low probability that Defendant’s default was due to excusable neglect; Defendant  
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1 was given ample opportunity to respond to the filings in this matter between the time she was  
2 served with Plaintiff's Amended Complaint and when Plaintiff filed its Motion. Finally, although  
3 there is a strong policy favoring decisions on the merits, Defendant's failure to respond to  
4 Plaintiff's motions may be considered an admission that Plaintiff's motions have merit. *See*  
5 Local Civil Rule 7(b)(2) ("[I]f a party fails to file papers in opposition to a motion, such failure  
6 may be considered by the court as an admission that the motion has merit.").

7  
8 However, the Court acknowledges that a dispute concerning the material facts alleged by  
9 Plaintiff may arise. *See Qotd Film Inv. Ltd. v. Starr*, No. C16-371RSL, 2016 WL 5817027, at  
10 \*2 (W.D. Wash. Oct. 5, 2016) (acknowledging that dispute concerning material facts may arise  
11 in BitTorrent infringement cases). The Court also notes that the amount at stake is likely not a  
12 modest sum for Defendant, as Plaintiff contends. Plaintiff seeks the minimum statutory damages  
13 award of \$750, attorneys' fees of \$3,906.50, and costs of \$525. Dkt. #36 at 5; Dkt. #37 at ¶¶ 10–  
14 12. Notwithstanding these considerations, the *Eitel* factors weigh in favor of granting default  
15 judgment against Defendant.  
16

17 C. Appropriate Relief.

18 The Court next considers what relief to grant Plaintiff. Plaintiff seeks the following three  
19 categories of relief from Defendant: (1) permanent injunctive relief; (2) statutory damages; and  
20 (3) attorneys' fees and costs. Each category is discussed in turn below.

21 i. *Permanent Injunctive Relief*

22 Permanent injunctive relief is proper in this matter. Courts may "grant temporary and  
23 final injunctions on such terms as it may deem reasonable to prevent or restrain infringement of  
24 a copyright." 17 U.S.C. § 502(a). Courts may also order the destruction of all copies of a work  
25 made or used in violation of a copyright owner's exclusive rights. 17 U.S.C. § 503(b). Given  
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1 the nature of the BitTorrent system, and because Defendant has been found liable for  
2 infringement, Defendant possesses the means to continue infringing. *See MAI Sys. Corp. v. Peak*  
3 *Computer, Inc.*, 991 F.2d 511, 520 (9th Cir. 1993) (granting permanent injunction where  
4 “liability has been established and there is a threat of continuing violations”). Consequently, the  
5 Court grants Plaintiff’s request, enjoins Defendant from infringing Plaintiff’s rights in *Revolt*,  
6 and orders Defendant to destroy all unauthorized copies of *Revolt*.

7  
8 ii. *Statutory Damages*

9 The Court also awards statutory damages of \$750 for Defendant’s infringement of *Revolt*.  
10 The Copyright Act allows a plaintiff to choose between actual or statutory damages. *See* 17  
11 U.S.C. §§ 504(b), (c)(1). An individual infringer, infringing on one work, may be liable for a  
12 sum ranging from \$750 to \$30,000. 17 U.S.C. §504(c)(1). The Court has “wide discretion in  
13 determining the amount of statutory damages to be awarded, constrained only by the specified  
14 maxima and minima,” and they can take into account whether “the recovery sought is  
15 proportional to the harm caused by defendant’s conduct.” *Harris v. Emus Records Corp.*, 734  
16 F.2d 1329, 1355 (9th Cir. 1984). Recently, this Court has awarded statutory damages of \$750 in  
17 similar actions, and finds that \$750 is an appropriate award here. *See, e.g. LHF Prods. Inc. v.*  
18 *Doe 1*, C16-1354RSM, Dkt. #65 at 6–7 (W.D. Wash. Aug. 7, 2018) (\$750 statutory damages  
19 with eight defendants jointly and severally liable). Plaintiff requests only \$750 and, more  
20 importantly, the Ninth Circuit has determined that an award of \$750 is appropriate. *LHF Prods.*  
21 *Inc. v. Doe 1*, \_\_\_ F. App’x \_\_\_, 2018 WL 3017156 (9th Cir. June 18, 2018).

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24 iii. *Attorneys’ Fees and Costs*

25 Finally, Plaintiff asks the Court to award \$3,906.50 in attorneys’ fees and \$525 in costs.  
26 Dkt. #37 at ¶¶ 10–12. Pursuant to 17 U.S.C. § 505, the Court “in its discretion may allow the

1 recovery of full costs by or against any party,” and “may also award a reasonable attorney’s fee  
2 to the prevailing party as part of the costs.” When making fee determinations under the Copyright  
3 Act, courts consider “(1) the degree of success obtained, (2) frivolousness, (3) motivation, (4)  
4 objective unreasonableness (legal and factual), and (5) the need to advance considerations of  
5 compensation and deterrence.” *Smith v. Jackson*, 84 F.3d 1213, 1221 (9th Cir. 1996) (citing  
6 *Jackson v. Axton*, 25 F.3d 884, 890 (9th Cir. 1994)). Because Plaintiff has succeeded on its non-  
7 frivolous claims, and because at least a partial award would advance considerations of  
8 compensation and deterrence, the Court agrees that Plaintiff should be awarded attorneys’ fees.  
9

10 However, Plaintiff’s attorneys’ fees request is problematic. Courts determine fee award  
11 amounts by first determining a “lodestar figure” by multiplying the number of hours reasonably  
12 expended on a matter by a reasonable hourly rate. *Intel Corp. v. Terabyte Int’l, Inc.*, 6 F.3d 614,  
13 622 (9th Cir. 1993). Courts may then adjust the lodestar with reference to factors set forth in  
14 *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 69–70 (9th Cir. 1975). The relevant *Kerr* factors  
15 here are: (1) the time and labor required; (2) the novelty and difficulty of the questions; and (3)  
16 the skill requisite to perform the legal services properly. “The lodestar amount presumably  
17 reflects the novelty and complexity of the issues, the special skill and experience of counsel, the  
18 quality of representation, and the results obtained from the litigation.” *Intel*, 6 F.3d at 622. Given  
19 the nature of the work done by Plaintiff’s counsel, Mr. Lowe, the Court does not find Plaintiff’s  
20 requested hourly rate, or the number of hours requested, to be reasonable.  
21

#### 22 1. *Reasonableness of Rate Requested*

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24 In the Ninth Circuit, the determination of a reasonable hourly rate “is not made by  
25 reference to rates actually charged the prevailing party.” *Chalmers v. City of Los Angeles*, 796  
26 F.2d 1205 (9th Cir. 1986). Instead, the reasonable hourly rate is determined with reference to

1 the prevailing rates charged by attorneys of comparable skill and experience in the relevant  
2 community. *See Blum v. Stenson*, 465 U.S. 886, 895 (1984). “Generally, when determining a  
3 reasonable hourly rate, the relevant community is the forum in which the district court sits.”  
4 *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 979 (9th Cir. 2008). Courts may also consider  
5 “rate determinations in other cases, particularly those setting a rate for the plaintiffs’ attorney”  
6 as “satisfactory evidence of the prevailing market rate.” *United Steelworkers of Am. v. Phelps*  
7 *Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990).

8  
9 Plaintiff argues that \$450 is a reasonable rate for “non-formulaic legal work” and requests  
10 \$350 for Mr. Lowe’s routine work. Dkt. #36 at 4–6; Dkt. #37 at ¶¶ 7–9. However, similar cases  
11 in this District suggest that an hourly rate of \$450 is not appropriate. *See Qotd Film*, 2016 WL  
12 5817027 at \*3–4 (refusing to award requested rate of \$450 where Mr. Lowe did not present  
13 evidence that this was prevailing community rate). Further, in other BitTorrent cases litigated  
14 by Mr. Lowe, this Court has awarded hourly rates of \$300 for similar, if not identical, work. *See*  
15 *LHF Prods. Inc. v. Doe 1*, C16-1354RSM, Dkt. #65 at 8–10 (W.D. Wash. Aug. 7, 2018) (hourly  
16 rate of \$300 appropriate in nearly identical case); *Dallas Buyers Club, LLC v. Nydam, et al.*, 2016  
17 WL 7719874 at \*5–6 (W.D. Wash. Aug. 8, 2016) (same). In *Dallas Buyers Club*, the Court  
18 reasoned that an hourly rate of \$300 is appropriate because the cases litigated by Mr. Lowe,  
19 similar to this action, did not require extensive skill or experience, utilized recycled pleadings  
20 from other cases, and were largely unopposed. *Id.* at \*6. More importantly, this Court’s prior  
21 determination that \$300 represents a reasonable hourly rate for Mr. Lowe’s work in nearly  
22 identical cases has been approved by the Ninth Circuit.<sup>1</sup> *LHF Prods. Inc.*, 2018 WL 3017156 at  
23 \*1–2. Accordingly, the Court will apply an hourly rate of \$300 for work in this case.

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<sup>1</sup> The general surveys relied upon by Mr. Lowe, Dkt. #37 at ¶ 7, are not inconsistent with the  
reasonable hourly rate set by the Court for this type of work performed within the District.

1                   2. *Reasonableness of Hours Requested*

2           The party seeking fees “bears the burden of establishing entitlement to an award and  
3 documenting the appropriate hours expended and hourly rates.” *Hensley v. Eckerhart*, 461 U.S.  
4 424, 437 (1983). The Court excludes hours that are not reasonably expended because they are  
5 “excessive, redundant, or otherwise unnecessary.” *Id.* at 434. Here, Mr. Lowe requests an  
6 unreasonable number of hours, seeking compensation for 9.5 hours he allegedly spent on work  
7 related to Defendant’s case. Dkt. #37 at ¶ 10. Mr. Lowe also requests fees for the time his legal  
8 assistant spent on Defendant’s case (at an hourly rate of \$145). *Id.* But Mr. Lowe’s activity  
9 before this Court underscores the unreasonableness of this request.  
10

11           Mr. Lowe has represented similar plaintiffs in over one hundred cases against more than  
12 a thousand Doe defendants. These cases have all proceeded in a similar manner. Each of the  
13 complaints are filed against multiple Doe defendants, identified only by IP addresses, for alleged  
14 infringement of the plaintiff’s exclusive rights to a movie. Groups of Doe defendants are named  
15 in the same complaint because they allegedly infringed the same digital copy of the movie by  
16 participating in the same BitTorrent “swarm.” After filing nearly identical complaints, plaintiffs  
17 file nearly identical motions for expedited discovery. Upon being granted leave, plaintiff serves  
18 subpoenas on the ISPs associated with each Doe defendant’s IP address. Once the ISPs provide  
19 the Doe defendants’ identities, Plaintiff files amended complaints. Except for the paragraphs  
20 identifying the Doe defendants, all of the amended complaints are nearly identical.  
21

22           After filing amended complaints, plaintiffs may voluntarily dismiss claims against some  
23 named defendants—presumably because they agreed to pay the plaintiff a sum of money. If the  
24 claims are not settled, plaintiffs continue to pursue their claims against the named defendants.  
25 Many of the defendants fail to appear, answer, or defend. Plaintiffs then file motions for default  
26



1 which generally differ only in the captions. After default is entered, plaintiffs file nearly identical  
2 motions for default.

3 While there is nothing wrong with plaintiffs filing multiple infringement claims, it is  
4 wrong for plaintiffs' counsel to file identical complaints and motions with the Court and then  
5 expect the Court to believe that it spent *hundreds* of hours preparing those same complaints and  
6 motions. See *Malibu Media, LLC v. Schelling*, 31 F. Supp. 3d 910, 912-13 (E.D. Mich. 2014)  
7 ("If Malibu Media is experiencing a massive invasion of infringers, it is entitled to seek redress  
8 through the courts."). As this Court has previously noted in a nearly identical case, it was not  
9 reasonable for Mr. Lowe to assert that he spent 185 hours in preparing the filings for default  
10 judgments against fifty-one named defendants when the filings were essentially the same. *LHF*  
11 *Prods. Inc. v. Doe 1*, C16-551RSM, Dkt. #70 at 12 (W.D. Wash. Feb. 15, 2017).

13 There is nothing unique, or complex, about engaging in what can only be described as  
14 "the essence of form pleading," and the Court will not condone unreasonable attorneys' fees  
15 requests. *Malibu*, 31 F. Supp. 3d at 912-13 ("[T]here is nothing unique about this case against  
16 [defendant], it is quite a stretch to suggest that drafting and preparing the complaint for filing  
17 took more than an hour, or that 1.3 hours were spent on drafting a motion for default judgment.").  
18 Further, the Court finds it hard to believe that Mr. Lowe spent significant amounts of time  
19 preparing filings in this case as the filings are nearly identical to filings Mr. Lowe has previously  
20 used in other unrelated cases. See, e.g., *LHF Prods. Inc. v. Doe 1*, C16-551RSM (W.D. Wash.  
21 2016); *QOTD Film Investment Ltd. v. Doe 1*, C16-371RSL (W.D. Wash. 2016); and *Dallas*  
22 *Buyers Club, LLC v. Does 1-10*, C14-1684RAJ (W.D. Wash. 2014).

23  
24  
25 Instead of awarding the unreasonable number of hours requested by Plaintiff, the Court  
26 will award Mr. Lowe 2 hours, at an hourly rate of \$300, to compensate his firm for the time he

1 worked on the case against Defendant.<sup>2</sup> This amount is consistent with Mr. Lowe’s work on  
2 similar cases. The Court does note, however, that this case differed from others in that it  
3 progressed against a single defendant from an early point and Plaintiff therefore saw no  
4 “economy of scale” and needed to revise certain form documents. Accordingly, the Court finds  
5 that one-half hour of additional time, at an hourly rate of \$300, is reasonable in this case. The  
6 Court will not award any of the time attributed to Mr. Lowe’s legal assistant as review of the  
7 declaration submitted indicates that Mr. Lowe’s legal assistant performed purely administrative  
8 tasks in this matter. Dkt. #37 at ¶ 10 (descriptions include “[p]repare summons for process  
9 server” and “[s]end summons, amended complaint and exhibits to process server;  
10 Communication with process server”).

12 Mr. Lowe argues for an increased award on the basis that this case “was unique among  
13 other cases in that it involved additional work, including exceptional and complex work in  
14 responding to the Court’s several Orders to show cause, and preparing, securing, and submitting  
15 eight (8) declarations in support of Plaintiff’s claims.” Dkt. #36 at 6. But again, these are  
16 documents that have substantial overlap with documents filed by Mr. Lowe in similar cases. *See*  
17 *Venice PI, LLC, v. O’Leary*, C17-988TSZ, Dkts. #28–30, #33–39, and #41–44 (W.D. Wash.  
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20 <sup>2</sup> The Court has noted in related cases that Mr. Lowe’s time appears inflated. Mr. Lowe filed  
21 motions for default in five related cases before this Court on the same day—July 2, 2018. *See*  
22 *LHF Prods. Inc.* Case Nos. C16-551RSM, C16-1017RSM, C16-1089RSM, C16-1090RSM, and  
23 C16-1588RSM. Combined, the motions sought default judgment against 21 defendants. With  
24 regard to each defendant in those cases, Mr. Lowe claimed to have spent precisely 0.7 hours on  
25 the motions for default on July 2, 2018—itself odd. *See e.g.*, C16-1588RSM, Dkt. #61-1 at ¶ 11.  
26 Accordingly, Mr. Lowe claimed to have billed 14.7 hours on that day. While not outside the  
realm of possibility, the Court has some concern as to the accuracy of this contention. Plaintiff’s  
last motion for default judgment was filed at 7:14 p.m. on July 2, 2018. *See* C16-1588RSM, Dkt.  
#59. Thus, giving Mr. Lowe the benefit of the doubt and assuming that he worked continuously  
and took no breaks during the day, he began working at 4:32 a.m. While possible, the hours may  
also be inflated. Mr. Lowe claims a larger amount of time was spent preparing the Motion for  
Default Judgment in this case. Dkt. #37 at ¶ 10.

2017). More importantly, the work was not necessary due to the actions of Defendant. Rather, the Court justifiably expressed concerns over ongoing BitTorrent litigation within the District, warranting proof by Plaintiff and Plaintiff's counsel that such cases are procedurally and factually proper. Plaintiff's responses to the Court's show cause orders may have been technically necessary to its success against Defendant as the Court may have dismissed the action had Plaintiff failed to respond. But the responses were not otherwise necessary to advance Plaintiff's unopposed claims against Defendant.

Likewise, an award of attorneys' fees against Defendant for this portion of counsel's work would not advance the purposes of the Copyright Act. *Magnuson v. Video Yesteryear*, 585 F.3d 1424, 1432 (9th Cir. 1996) ("in considering motions for attorney's fees . . . the district court should 'seek to promote the Copyright Act's objectives'"). Forcing Defendant to bear the expense of work caused by the Court's justifiable trepidations about a class of cases would not have a deterrent effect any more than an unreasonably large award of statutory damages and would serve to make fee awards arbitrary. Conversely, the Court believes that the purposes of the Copyright Act will be advanced by assuring that enforcement of the Act is fair, complies with legal requirements, and treats defendants consistently for similar conduct.<sup>3</sup>

Accordingly, the Court has adjusted Plaintiff's request of 9.5 hours to 2.5 hours at an hourly rate of \$300. The Court is satisfied that an attorneys' fee award of \$750 is reasonable and

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<sup>3</sup> The Court notes that Plaintiff does not allege that Defendant's underlying conduct in this case is different than the conduct of other defendants in similar BitTorrent cases within this District. *Compare Glacier Films v. Turchin*, -- F.3d ---, 2018 WL 3542839 (9th Cir. 2018) (district court abused discretion by awarding minimum statutory damages fees and no attorneys' fees where plaintiff established defendant's continued and numerous violations). Here, the Court's award of attorneys' fees puts the total amount paid by Defendant (\$2,025) slightly above similar cases before the Court. For example, in a series of cases brought by *LHF Prods. Inc.*, the Court entered judgments against individual defendants ranging from \$1,520-\$1,820. *See e.g.* C16-551RSM, Dkt. #91 (\$1,788); C16-1648RSM, Dkt. #36 (\$1,520); C17-254RSM, Dkt. #28 (\$1,680).

1 sufficient to cover Mr. Lowe's form-pleading work in this case. The Court also finds that the  
2 requested costs of \$525 are properly recovered from Defendant in full. Dkt. #37 at ¶ 12.

#### 3 IV. CONCLUSION

4 The Court, having reviewed the relevant briefing and the remainder of the record, finds  
5 adequate bases for default judgment. Accordingly, the Court hereby finds and ORDERS:

- 6 1. Plaintiff's Motion for Default Judgment against Annette Connery (Doe 1) (Dkt. #36) is  
7 GRANTED IN PART.  
8  
9 2. Defendant is hereby permanently enjoined from directly, indirectly, or contributorily  
10 infringing Plaintiff's exclusive rights in the motion picture film *Revolt*, including without  
11 limitation by using the Internet to reproduce or copy *Revolt*, to distribute *Revolt*, or to  
12 make *Revolt* available for distribution to the public, except pursuant to lawful written  
13 license or with the express authority of Plaintiff.  
14  
15 3. To the extent any such material exists, Defendant is directed to destroy all unauthorized  
16 copies of *Revolt* in her possession or subject to her control.  
17  
18 4. Defendant Annette Connery is individually liable for statutory damages in the amount of  
19 \$750.00, attorneys' fees in the amount of \$750.00, and costs in the amount of \$525.00.

20 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment consistent  
21 with this Order.

22 DATED this 17<sup>th</sup> day of August 2018.

23 

24 RICARDO S. MARTINEZ  
25 CHIEF UNITED STATES DISTRICT JUDGE  
26